

**THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Commonwealth of Pennsylvania,	)	
By Attorney General Josh Shapiro	)	
	)	Case No. 3:17-cv-01814-RDM
<i>Plaintiff,</i>	)	(Hon. Robert D. Mariani)
	)	
v.	)	DEFENDANTS' NOTICE OF
	)	SUPPLEMENTAL AUTHORITY
Navient Corporation, <i>et al.</i> ,	)	
	)	Electronically Filed
<i>Defendants.</i>	)	

**DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY**

Yesterday, in a nearly identical case by the Attorney General of Illinois against Navient, the court reconsidered its 2018 denial of Navient's motion to dismiss, citing *Pennsylvania v. Navient Corp.*, 967 F.3d 273 (3d Cir. 2020) and a Seventh Circuit decision, both of which "remanded for an allegation-by-allegation examination" regarding preemption under 20 U.S.C. § 1098g. Ex. A at 17. The court conducted that examination, and dismissed Illinois's claim that Navient violated state law by "'failing to disclose' options beside forbearance" in phone calls with borrowers. *Id.* at 19. That is equivalent to dismissing ¶177(b) of the State's complaint here.

Dated: July 13, 2021

Respectfully submitted,

/s/ Daniel T. Brier

---

Daniel T. Brier (PA 52348)  
Myers Brier & Kelly, LLP  
425 Spruce Street, Suite 200  
Scranton, PA 18503  
dbrier@mbklaw.com  
Tel: 570-342-6100  
Fax: 570-342-6147

Jennifer Levy (DC 461921)  
Patrick Brown (DC 1033415)  
Lauren Beebe  
Spencer Hughes  
KIRKLAND & ELLIS LLP  
1301 Pennsylvania Ave., NW  
Washington, DC 20004  
Tel: 202-389-5000  
Fax: 202-389-5200

Michael Shumsky  
HYMAN, PHELPS &  
MCNAMARA, P.C.  
700 Thirteenth St. NW, Suite 1200  
Washington, DC 20005  
Tel: 202-737-5600  
Fax: 202-737-9329

*Counsel for Defendants,  
Navient Corporation and  
Navient Solutions, LLC*

**CERTIFICATE OF SERVICE**

I, Daniel T. Brier, hereby certify that, on July 13, 2021, I filed the foregoing Notice of Supplemental Authority via the CM/ECF system, which will send notification of such filing to all counsel of record who are deemed to have consented to electronic service.

/s/ Daniel T. Brier  
Daniel T. Brier